

DRAFT: 10th Update Code Language—Permit Process and Use Types

PROCESS AMENDMENTS:

ISSUE #1: Board of Building Appeals and Advisors

§111.0207 Board of Building Appeals and Advisors

- (a) [No change]
 - (b) Appointment and Terms
 - (1) through (2) [No change]
 - (3) The Building Official, the Chief of the Fire Department, and the City Attorney shall be ex officio members of the Board. The **Planning Department** Director of ~~Development Services~~ shall be an ex officio member of the Board in matters pertaining to *Historical Buildings*.
 - (c) through (d) [No change]
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ISSUE #2: Types of Notice: Notice of Application

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.
 - (1) [No change]
 - (2) Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than ~~10 business days~~ **30 calendar days** after the date on which the application is *deemed complete* **and at least 45 calendar days prior to the first public hearing**. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.
 - (b) [See Issue #3]
 - (c) [No change]
 - (d) [See Issue #4]
 - (e) [No change]
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Issue #3: Types of Notice: Notice of Future Decision

§112.0301 Types of Notice

- (a) [See Issue #2]
- (b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or Process CIP-Two.
 - (1) [No change]
 - (2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than ~~40 business days~~ **30 calendar days** after the date on which the application is *deemed complete* in accordance with 112.0102(b) **and at least 45 calendar days prior to the *decision date***. The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.
- (c) [No change]
- (d) [See Issue #4]
- (e) [No change]

Issue #4: Types of Notice: Notice of Availability

§112.0301 Types of Notice

- (a) [See Issue #2]
- (b) [See Issue #3]
- (c) [No change]
- (d) ~~Reserved~~ Notice of Availability **of *Local Coastal Program Amendment*. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for *Local Coastal Program Amendments* in accordance with Section 122.0106.**
 - (1) **Content. The Notice of Availability of *Local Coastal Program Amendment* shall include the following:**

- (A) A general description of the project;
 - (B) The location of the property that is the subject of the application;
 - (C) The applicable community planning area(s);
 - (D) The name, telephone number, and city address of the City staff person to contact for additional information;
 - (E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number; and
 - (F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.
- (2) Distribution.
- (A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.
 - (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.
 - (C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.
- (3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.
- (e) [No change]
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Issue #5: Waiver of Appeal Period

§112.0505 Process Three

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

- (a) through (b) [No change]

- (c) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no *interested persons* and that the applicant has waived all rights to appeal.~~

§112.0507 Process Four

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

- (a) through (b) [No change]

- (c) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Planning Commission shall grant the request only after determining for the record that there are no *interested persons* and that the applicant has waived all rights to appeal.~~

Issue #6: Types of Notice: Notice of Appeal of a Permit Revocation Decision

§121.0315 Revocation Appeal

The Hearing Officer's decision to revoke or to not revoke a permit may be appealed to the Planning Commission in the following manner:

- (a) Persons Who Can Appeal. A revocation decision may be appealed by the following persons:
- ~~(1) The applicant;~~
 - ~~(2) (1)~~ (1) The permit holder; or
 - ~~(3) (2)~~ (2) Any person who participated in the revocation proceedings before the Hearing Officer either by being present at the hearing and submitting a speaker slip or by having expressed an interest in the revocation proceedings in writing to the Hearing Officer before the decision on the revocation.
- (b) Filing an Appeal. An appeal of a revocation decision may be initiated by filing an application with the City Manager no later than 10 *business days* after the date of the Hearing Officer's decision.
- (c) Scheduling Appeal Hearings. Within 30 calendar days after the date on which an appeal application is filed, the City Manager shall set a hearing before the Planning Commission. ~~The appeal hearing shall be noticed in accordance with Municipal Code Section 112.0308.~~ and shall mail a notice of the appeal hearing to the appellant, permit holder, and any *interested persons* who participated in the revocation hearing.

- (d) Power to Act on Appeal. After the conclusion of the public hearing, the Planning Commission may affirm, reverse, or modify the decision on the revocation. The decision of the Planning Commission is final.
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Issue #7: Eliminate Utilization Requirement for City CIP Projects

§126.0108 Utilization of a Development Permit

(a) through (c) [no change]

- (d) Capital improvement program projects are exempt from the permit utilization requirement in Section 126.0108.
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Issue #8: Encroachments in the Public Right-of-Way

§126.0402 When a Neighborhood Development Permit is Required

(a)-(i) [No change]

- (j) A Neighborhood Development Permit is required for construction of a privately owned *structure* proposed in the public right-of-way dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Sections 129.0710(a) and 129.0710(b)(2).

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

(1) through (8) [No change.]

- (9) Encroachment of below-grade structures into the public right-of-way up to the ultimate or existing curb line, or of above-grade structures encroaching up to a maximum of 4 feet into the public right-of-way and located at least 8 feet above the ultimate or existing grade of the curb.

- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the applicant is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with ~~section~~ **Section** 126.0502(d)(7), except for the following:

(1) through (4) [No change.]

(c) through (d) [No change]

Issue #9: Exemption from a Coastal Development Permit (Single Dwelling Units)

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

(a) through (b) [No change.]

- (c) Any ~~coastal development~~ **coastal development** that ~~has been categorically excluded (pursuant to Categorical Exclusion Order No. _____)~~: **meets the criteria listed below:**

(1) **The coastal development meets all of the following:**

(A) **The development is not located within either the appealable area or the Sensitive Coastal Resource Overlay Zone.**

(B) **The development does not otherwise require a development permit or a subdivision map.**

(C) **The premises does not contain environmentally sensitive lands.**

(D) **The premises does not contain a designated historical resource. If the City Manager determines that a development 45 years and older is a potential historical resource, the development shall not be eligible for the Coastal Development Permit exemption unless and until it is determined to not be a historical resource.**

(E) **The development meets the criteria in Section 126.0704(c)(2) or (3).**

(2) **Proposed demolition of a structure, in part or in whole, in accordance with Section 126.0704(c)(1) at a location within the boundaries designated on map No.**

C [insert map number] filed in the Office of the City Clerk as Document No. [insert document number].

- (3) Proposed *development* of a *single dwelling unit*, including additions or alterations to an existing *single dwelling unit*, on a *single lot* zoned residential *single dwelling unit* in accordance with Section 126.0704(c)(1) at a location within the boundaries designated on map No. C [insert map number] filed in the Office of the City Clerk as Document No. [insert document number] provided that:

- (A) The proposed *structure height* of the *single dwelling unit* does not exceed 90 percent of the maximum *structure height* permitted by the base zone or Coastal Height Limit Overlay Zone, whichever is lowest; and
- (B) The *gross floor area* of the *single dwelling unit* does not exceed 80 percent of the maximum permitted *gross floor area* allowed by the base zone. For multi-story *development*, the *gross floor area* above the first *story* shall be limited to a maximum of 40 percent (of the total allowable 80 percent of the base zone).

(d) through (i) [No Change]

Issue #10: Exemptions from a Building Permit

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities, except that a Building Permit is required where the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220; or where *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110.:

(1) through (25) [No change]

- (b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical permits may be required.
- ~~(c) The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.~~

- (d) ~~The exemptions in Section 129.0203(a) do not apply to proposed development on a premises containing environmentally sensitive lands that requires a development permit in accordance with Section 143.0110.~~
- (e) (c) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.
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Issue #11: Electric Vehicle Charging Stations

§129.0308 Decision Process for an Electrical Permit

- (a) [No change]
- (b) An applicant may appeal a Building Official's denial of an application for an Electrical permit for **the following by filing an application for a Process Two appeal hearing:**
- (1) ~~a small rooftop solar energy system by filing an application for a Process Two appeal hearing as set forth in Section 141.0418(c); or~~
- (2) **an electric vehicle charging station as set forth in Section 141.0419.**

131.0222

131.0322

131.0422

131.0522

131.0622

§141.0419 Electric Vehicle Charging Stations

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing in Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).

Electric vehicle charging stations are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations. The regulations are intended to facilitate the use of electric vehicle charging stations to attain environmental and energy goals and to comply with state law requirements for timely administrative approvals and provision for an applicant to appeal a denial to Planning Commission.

- (a) A construction permit decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.
 - (1) An Electrical Permit shall be required for the installation of an electric vehicle charging station.
 - (2) A Building Permit may be required if alterations will be made to an existing structure or to modify or relocate existing disabled accessible parking spaces serving the premises.
 - (3) The construction permit application shall be submitted in accordance with Sections 112.0102 and 129.1105.
 - (4) Within a planned district (subject to Land Development Code Chapter 15), a separate Planned District Ordinance Permit shall not be required in addition to the construction permit required pursuant to Section 141.0419.
- (b) In reviewing the construction permit, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:
 - (1) Electric vehicle supply equipment shall be listed and labeled by an OSHA approved nationally recognized testing laboratory.
 - (2) Charging stations may encroach into setbacks.
 - (3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the site.
 - (4) The applicant shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be charged while parked without protruding into the public right-of-way.
 - (5) Electric vehicle charging stations located within the public right-of-way shall comply with Section 86.0151.
- (c) The Building Official shall administratively approve the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health and safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was deemed complete, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.

- (d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health and safety, then the Building Official shall make written findings notifying the applicant that the permit for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The applicant shall be responsible for all administrative costs associated with processing the appeal.
- (e) Applicant appeal process. Notwithstanding Section 112.0504, an applicant may appeal the denial of an application for an electric vehicle charging station to the Planning Commission by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).
 - (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
 - (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing.
 - (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:
 - (A) A decision to affirm the Building Official decision shall require a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health and safety.
 - (B) If the Planning Commission determines that there is not substantial evidence that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be approved.
 - (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health and safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

§151.0103 Applicable Regulations

- (a) [No change]
- (b) The following regulations apply in all planned districts:
 - (1) through (3) [No change]
 - (4) Solar energy systems regulations and electric vehicle charging stations regulations contained in Land Development Code Section 141.0418 and Section 141.0419.
 - (5) through (9) [No change]

§155.0238 Use Regulations Table of CU Zones

Issue #12: Grade K-12 Educational Facilities and One-on-One Teaching Facilities

§131.0422

§131.0522

§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12, Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change]
- (b) Schools for Kindergarten to Grade 12
 - (1) This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.
 - (2) Schools for kindergarten to grade 12 are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
 - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a “L” subject to the following:
 - (A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with enrollment over 300 students if the result is no increase in the number of students.

- (B) Parking shall be provided in accordance with Table 142-05G.
- (C) Deviations from Section 141.0407(b)(3)(A) or (B) may be permitted with a Conditional Use Permit decided in accordance with process three and subject to the conditional use regulations in Section 141.0407(b)(5).
- (4) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional commercial office building are permitted by right in locations where the business and professional office use category is a permitted use in zones as indicated with a “P”, except that such facilities are not permitted where in conflict with Section 141.0407(e)(1).
- ↔ (5) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:

 - (A) The *applicant* shall provide a master development plan that includes the following:

 - (i) The student capacity of the campus;
 - (ii) The size, number, and location of all proposed facilities;
 - (iii) The pedestrian and traffic circulation systems proposed for the site;
 - (iv) A transportation and parking development program; and
 - (v) A *development* phasing schedule.
 - (B) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.
 - (C) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.
 - (D) Off-street parking shall be provided in accordance with Table 142-05G.
- (c) Colleges/Universities

 - (1) [No change]
 - (2) Conditional use regulations. Colleges and universities are permitted as conditional uses in zones indicated by a “C” subject to the following:

 - (A) [No change]

(B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(3)(5).

(C) through (D) [No change]

(d) [No change]

(e) Educational Facilities on Prime Industrial Land

(1) Schools for kindergarten to grade 12 are not permitted on a *premises* identified as Prime Industrial Land in a *land use plan*.

(2) [No change]

§152.0303 Subdistrict A Permitted Uses

(a) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(1) through (4) [No change]

(5) Schools, limited to primary, elementary, junior high and senior high in accordance with Sections 141.0407 and 141.0606.

(6) through (12) [No change]

§152.0309 Subdistrict C Permitted Uses

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

(a) through (f) [No change]

(g) The following ~~conditional~~ separately regulated uses may be permitted according to the regulations set forth in Municipal Code Section 151.0401 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

(1) through (2) [No change]

(3) ~~Nursery and elementary~~ Elementary schools (grades K-6) in accordance with Section 141.0407, and ~~day child~~ care facilities in accordance with Section 141.0606.

(4) [No change]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

**Table 155-02C
Use Regulations Table for CU Zones**

§158.0301 Residential Zones

[No change]

(a) Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

(1) [No change]

(2) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407.

(3) [No change]

(4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes.

(5) through (9) [No change]

(b) through (e) [No change]

§1512.0302 Permitted Uses - Residential (MR) Zones

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Section 1512.0302.

(a) through (b) [No change]

(c) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407.

(d) through (l) [No change]

§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)

(a) through (b) [No change]

**Table 1514-03E
Residential Zones Use Table**

Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407 P L

(c) through (m) [No change]

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

(a) through (b) [No change]

**Table 1514-03J
Commercial Zones Use Table**

~~Schools, public, private and nursery~~ in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606 P L

(c) through (l) [No change]

**Article 18: San Ysidro Planned District
Appendix A: Permitted Uses**

Schools, Limited to Primary, Elementary, Junior High and Senior High in accordance with Section 141.0407 change from not permitted “-“ to L in all commercial zones

Issue #13: Assembly and Entertainment Uses

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Alcoholic beverage outlets [No change]
Assembly and Entertainment Uses, Including Places of Religious Assembly (under circumstances described in Section 141.0602)

Automobile service stations through *Historical buildings* [No change]
[See Issue #14]

Impound storage yards through *Wireless communication facilities* [No change]

(b) through (c) [No change]

§131.0622 Use Regulations Table for Industrial Zones

Table 131-06B Use Regulations Table for Industrial Zones [No change]

Footnotes for Table 131-06B

Footnotes 1 through 15 [No change]

¹⁶ Instructional Studios, ~~Assembly and Entertainment facilities, and Churches and Places of Religious Assembly~~ are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

Footnotes 17 through 20 [No change]

§152.0303 Subdistrict A Permitted Uses

(a) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(1) through (6) [No change]

(7) Churches, temples or buildings of permanent nature used primarily for religious purposes in accordance with Section 141.0602.

(8) through (12) [No change]

§152.0309 Subdistrict C Permitted Uses

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

(a) through (f) [No change]

(g) The following conditional uses may be permitted according to the regulations set forth in Municipal Code Section 151.0401 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

(1) Churches, temples or buildings used primarily for religious purposes.

(2) through (4) [No change]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Table 155-02C
Use Regulations Table for CU Zones

§156.0308 Base District Use Regulations

§158.0301 Residential Zones

[No change]

(a) Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

(1) through (3) [No change]

(4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

(5) through (9) [No change]

(b) through (e) [No change]

§1512.0302 Permitted Uses - Residential (MR) Zones

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Section 1512.0302.

(a) through (d) [No change]

(e) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

(f) through (l) [No change]

§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)

(a) through (b) [No change]

Table 1514-03E
Residential Zones Use Table

Churches, Temples or buildings of a permanent nature used for religious purposes in accordance with Section 141.0602 CUP² L²

Footnote to Table 1514-03E

² Permitted in the MVR-3, 4 and 5 Zones only.

(c) through (m) [No change]

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

(a) through (b) [No change]

**Table 1514-03J
Commercial Zones Use Table**

Churches, Temples or buildings of a permanent nature used for religious purposes in accordance with Section 141.0602 CUP L CUP L CUP L

(c) through (l) [No change]

**Article 18: San Ysidro Planned District
Appendix A: Permitted Uses**

Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes in accordance with Section 141.0602 SP L SP L SP L

Issue #14: Home Occupation Regulations/Cottage Food Industry

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. ~~Home occupations that do not comply with~~ An applicant may request approval to deviate from the requirements in Section 141.0308(j) (k) through ~~(l)~~ (m) ~~may be permitted with by obtaining a~~ Neighborhood Use Permit ~~subject to Section 141.0308(m)~~ in accordance with Section 126.0203.

- (a) Home occupations are permitted only as *accessory uses* to a residential use.
- (b) Any products produced for sale must be manufactured by hand, ~~or~~ grown on the *premises*, or prepared within a kitchen that meets the standards for cottage food operations in a dwelling unit in accordance with California Health and Safety Code section 114365.

- (c) The home occupation shall not result in the elimination or the reduction of required off-street parking.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.
- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones); shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
~~Nonresident partners, employees, or customers are not permitted on the premises.~~
- ~~(k) All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the premises.~~
- ~~(l) Only one vehicle for business-related purposes is permitted on the premises or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow truck.~~
- ~~(m) The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:~~
 - ~~(1) (k)~~ Home offices may have **a maximum of** one employee or partner on the *premises* during the hours between 8:00 **7:00** a.m. and 5:00 **7:00** p.m., Monday through ~~Friday~~ **Saturday**; **For the purpose of Section 141.0308(k) an employee does not include a resident of the home.**
 - ~~(2) (l)~~ Home offices may have **a maximum of** one customer on the *premises* at a time, by appointment only, between the hours of 8:00 **7:00** a.m. and 5:00 **7:00** p.m.,

Monday through Friday ~~Saturday~~; and, Home offices shall not host customers on the premises more frequently than one customer within a 2 hour time period.

(3) ~~Home occupations may have more than one vehicle for business-related purposes.~~

(m) A maximum of one vehicle for business-related purposes is permitted on-street in the adjacent residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 applicable to oversized vehicles.

(1) Business-related vehicles may not exceed a one-ton carrying capacity.

(2) Tow-trucks are not a permitted home occupation vehicle.

Issue #15: Housing for Senior Citizens

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Alcoholic beverage outlets [No change]

[See Issue #12]

Automobile service stations through *Historical buildings* [No change]

Housing for senior citizens

Impound storage yards through *Wireless communication facilities* [No change]

(b) through (c) [No change]

~~141.0310~~ — ~~Housing for Senior Citizens~~

~~Housing for senior citizens may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:~~

~~(a) — Housing for senior citizens shall meet the requirements of one of the following:~~

~~(1) — “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or~~

- ~~(2) — “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code.~~
- ~~(b) — Housing for senior citizens may be permitted a *density* bonus as provided in Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).~~
- ~~(c) — Housing for senior citizens may be permitted only in locations that meet the following requirements:~~
 - ~~(1) — Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;~~
 - ~~(2) — Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;~~
 - ~~(3) — Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and~~
 - ~~(4) — Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.~~
- ~~(d) — Off Street Parking Requirements~~
 - ~~(1) — Parking ratios shall be determined in accordance with the following:~~
 - ~~(A) — The base parking requirement is 1 parking space per *dwelling unit*;~~
 - ~~(B) — For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, the base parking requirement is 0.7 parking spaces per *dwelling unit* plus 1 parking space for each staff person, calculated based on staffing for the peak hour shift; and~~
 - ~~(C) — Housing for senior citizens that meets the criteria of Reduced Parking Demand Housing, as stated in Section 142.0527(a), shall provide parking in accordance with Section 142.0527.~~
 - ~~(2) — Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.~~
- ~~(e) — Facilities Requirements~~
 - ~~(1) — All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.~~

- ~~(2) Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground floor.~~
- ~~(3) Facilities that have 2 or more stories and 20 or more dwelling units shall provide elevator service.~~
- ~~(4) A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.~~
- ~~(5) Trash bins shall be conveniently located and shall be covered and screened.~~
- ~~(6) All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.~~

§142.0527 Parking Regulations for Reduced Parking Demand Housing

The minimum number of parking spaces for multiple dwelling unit residential development that includes Reduced Parking Demand Housing shall be determined as set forth below.

- (a) Definitions. For the purposes of Section 142.0527, the following definitions apply:

(1) through (2) [No change]

(3) Reduced Parking Demand Housing means *development* where:

(A) [No change]

(B) The *development* falls into at least one of the following categories:

(i) [No change]

(ii) Housing for Senior Citizens, meeting the criteria of ~~Section 141.0310(a)~~ “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code;

(iii) through (v) [No change]

(b) through (e) [No change]

Issue #16: Boarding Kennels/Pet Day Care Facilities

§141.0604 Boarding Kennels/Pet Day Care Facilities

Boarding kennels and pet day care facilities for the boarding, training and care of household pets are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604 (a) and (c).

(a) General Rules

- (1) Boarding kennels and pet day care facilities shall be operated and maintained in accordance with the health and sanitation regulations for health regulated businesses in Chapter 4, Article 2, Division 7 (Animals and Poultry).
- (2) Boarding kennels and pet day care facilities shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding *development*.

(3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Limited Use Regulations

- (1) All boarding, training, and pet care activities shall be conducted within an enclosed building. Exterior boarding, training, and exercise facilities are not permitted as a limited use.
- (2) Kennels and associated *structures* shall not be located any closer than 50 feet to any *property line*, unless the *structures* are sound-proofed.
- ~~(3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.~~
- ~~(4) Boarding kennels and pet day care facilities shall not be located on a premises that is identified as Prime Industrial Land in a land use plan.~~
- ~~(5)~~ (3) Deviations from Section 141.0604~~(b)~~ may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) Neighborhood Use Permit Regulations

- (1) Noise emanating from the facility shall be kept at minimum levels through the following methods:

- (A) Limitations on the number of animals permitted in exterior areas at any one time;
 - (B) Limitations on the hours that animals are permitted in exterior areas;
 - (C) Locating exterior boarding and exercise areas on those portions of the site where noise impacts on surrounding *development* will be minimized;
 - (D) The use of walls or *fences* to minimize noise impacts to surrounding *development*; and
 - (E) Sound-proofing of interior kennel areas.
- (2) Exterior boarding, training, and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.
- ~~(3) Off-street parking shall be provided in accordance with Table 142-05E.~~
-

Issue #17: Exemption from Public Improvement Upgrades for Tenant Improvements

§142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

- (a) The construction of accessory buildings such as residential garages;
 - (b) The construction of *accessory structures* such as swimming pools or patio decks;
 - (c) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official, of \$50,000 or less; ~~and~~
 - (d) Tenant improvements that do not involve the addition of gross floor area or intensification of use (as measured by an associated increase in average daily trips);
 - ~~(d)~~ (e) Neighborhood revitalization projects operated by the San Diego Housing Commission; and
 - ~~(e)~~ (f) The alteration of an existing *single dwelling unit*.
-

Issue #18: Affordable/In-Fill Housing and Sustainable Regulations

§142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale Development

(a) through (b) [No change]

Table 142-13A
[No change to Table]

§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply

These regulations apply to the following types of *development*:

(a) Residential *development* (including both for-sale and for rental) in accordance with Section 142.1306(a) 142.1305.

(b) through (g) [No change]

Issue #19: Corrective Action for Environmentally Sensitive Lands Code Enforcement

§143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit*, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, ~~no~~ a *development permit* application ~~may~~ shall not be processed for the premises until the enforcement action has been concluded, or the City Manager determines a *development permit* is necessary to resolve the enforcement action.

Issue #20: Process for Requirement of Site Surveys (Historic Resource Regulations)

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

(a) through (b) [No change.]

(c) The City Manager shall evaluate proposed *development to* determine the need for a site-specific survey. The determination shall be provided within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*, as applicable. A site-specific survey shall be required when the City

Manager determines that a *historical resource* may exist on the parcel, or if the *development* proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed development ~~within the specified time period~~, then a permit in accordance with Section 143.0210 shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a development permit, additional site-specific surveys for the development and associated construction permits shall not be required pursuant to Section 143.0212.

(d) [No change.]

Issue 21: Release of Survey Monument Bonds

§144.0130 Survey Monuments

- (a) Survey monuments shall be set in accordance with the *Subdivision Map Act*, Chapter 4, Article 9, to the satisfaction of the City Engineer. When the setting of monuments is deferred, a cash security deposit, in the amount of the estimated cost as provided by the engineer or land surveyor, shall be deposited with the City to guarantee setting such monuments and payment of the surveyor of record for setting them. When the final monuments are set as certified on the final map or *parcel map* and are accepted by the City Engineer and the surveyor of record is paid for setting them, the monument security shall be released in accordance with ~~the Subdivision Map Act, Chapter 4, Article 9~~ Section 144.0130(b).
- (b) The City Land Surveyor may approve the release of any security posted for the setting of monuments upon meeting the requirements as set forth in Section 144.0130(a), the Subdivision Map Act Chapter 4, Article 9, and Government Code section 66497(d).
-

Issue #22: Sidewalk Cafes and other Minor Clean-up Corrections to the Central Urbanized Planned District Ordinance Use Table

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

**Table 155-02C
Use Regulations Table for CU Zones**